

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:20-CR-440
)	
Plaintiff,)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
ALLA WITTE,)	
)	PRELIMINARY ORDER OF FORFEITURE
Defendant.)	Re: Electronic Devices

It appears to the Court that proper proceedings for the issuance of this Preliminary Order of Forfeiture have been had in this case as follows:

1. On August 13, 2020, a 47-count Indictment was returned in N.D. Ohio Case No. 1:20-CR-440. In pertinent part, defendant Alla Witte was charged as follows:

Count 1: Conspiracy to Commit Computer Fraud, in violation of 18 U.S.C. Section 371.

2. Forfeiture provisions were set forth in the Indictment. In pertinent part, the forfeiture provision entitled "Forfeiture: Counts 1-31" specified as follows:

The allegations contained in Counts 1-31 of this Indictment are hereby re-alleged and incorporated by reference as if fully set forth herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982(a)(2) and Title 18, United States Code, Section 1030(i). As a result of these offenses, [Defendant] . . . ALLA WITTE, aka MAX, . . . shall forfeit to the United States: (i) any and all property constituting, or derived from, any proceeds [she] obtained, directly or indirectly, as the result of such offenses; and, (ii) any and all personal property that was used - or was intended to be used - to commit or to facilitate the commission of the offense charged in Count 1 of the Indictment.

3. A change of plea/sentencing hearing as to defendant Witte was held on June 28, 2023. Defendant entered a guilty plea to Count 1 of the Indictment, which the Court accepted.

Sentencing immediately commenced. Among other terms, Defendant was committed to 32 months custody of the Bureau of Prisons, with credit for time served; restitution to be determined within 90 days; and, forfeiture. (*See*, Minutes of proceedings [non-document] before Judge Solomon Oliver, Jr., filed on June 28, 2023). Particularly, with respect to forfeiture, Defendant agreed as follows at paragraph 4 (PageID 398 & 399) of the written plea agreement (R. 76):

Forfeiture. Defendant agrees as part of this plea agreement to the forfeiture of the following properties to the United States: All electronic devices seized from Defendant in Surinam on or about February 4, 2021, prior to her arrest in Miami, Florida.

Defendant further agrees that the electronic devices are subject to forfeiture under 18 U.S.C. § 1030(i)(1)(A) in that they were used - or were intended to be used - to commit or to facilitate the commission of the violation charged in Count 1 of the Indictment in this case.

Pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure, Defendant consents that this forfeiture will become final as to her upon the Court's entry of the Preliminary Order of Forfeiture. Defendant states that she will take whatever steps are necessary to effectuate the forfeiture of the properties to the United States; including, but not limited to, the execution of whatever agreements, stipulations, and/or other documents that are necessary to effectuate the forfeiture.

4. Based upon the foregoing, and pursuant to Rule 32.2(b) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture is entered as follows:

IT IS ORDERED, ADJUDGED, AND DECREED

5. The United States shall seize and take control of the following properties, and they hereby are forfeited to the United States under 18 U.S.C. § 1030(i)(1)(A) (computer fraud) for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n) [as incorporated by 18 U.S.C. § 1030(i)(2)]:

- All electronic devices seized from defendant Witte in Surinam on or about February 4, 2021, prior to her arrest in Miami, Florida.

6. Pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the United States shall publish notice of this Order on an official government internet site for at least 30 consecutive days.

7. Upon completion of publication, this Court will enter a final order in accordance with 21 U.S.C. § 853(n).

IT IS SO ORDERED this 30th day of June, 2023.

/s/ Solomon Oliver, Jr.

SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE